

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 07, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELDON LESTER LEINWEBER,

Defendant.

No. 2-19-CR-00209-WFN-1

ORDER GRANTING
DEFENDANT'S MOTION TO
MODIFY CONDITIONS OF
RELEASE TRANSFER PRETRIAL
SUPERVISION TO THE WESTERN
DISTRICT OF WASHINGTON

MOTION GRANTED
(ECF No. 59)

Before the Court is Defendant ELDON LESTER LEINWEBER's motion to modify conditions of release. **ECF No. 59**. Defendant requests transfer of his pretrial release supervision to the Western District of Washington. Defendant recites in his motion that United States Probation does not oppose this request and that the United States takes no position.

The Court notes that Defendant filed a supplement to his motion and clarified Defendant requests a modification to condition number 14 of his release conditions to allow him to reside in the Western District of Washington. ECF No. 60. The Court understands that United States Probation in the Western District of Washington would assume pretrial supervision of Defendant and refer any violations of pretrial release to Pretrial Services in the Eastern District of Washington for referral to this Court for disposition.

1 Defendant asserts the requested modification of his pretrial release
2 conditions will allow him to reside near his daughter in the Western District of
3 Washington and allow him to avoid colder winter conditions in the Eastern District
4 of Washington (as perceived by Defendant). Defendant notes he is in his 70s and
5 asserts he has sold his home in the Eastern District of Washington and currently
6 resides in a recreational vehicle (RV).

7 United States Probation for the Eastern District of Washington has advised
8 the Court that United States Probation for the Western District of Washington will
9 in fact accept supervision of Defendant during the winter, with the expectation that
10 Defendant will return to the Eastern District of Washington in the spring.

11 The Court finding good cause, **IT IS ORDERED** Defendant's Motion,
12 **ECF No. 59**, is **GRANTED**. Defendant's pretrial release supervision is
13 transferred to the Western District of Washington until April 1, 2022.¹ United
14 States Probation in the Western District of Washington will assume pretrial
15 supervision of Defendant until April 1, 2022, and refer any violations of pretrial
16 release to Pretrial Services in the Eastern District of Washington for referral to this
17 Court for disposition. Accordingly, **Pretrial Release Condition Number 14 is**
18 **hereby modified to read as follows:**

19 (14) Defendant may reside in the Western District of
20 Washington until April 1, 2022, at an address approved by
21 Pretrial Services while the case is pending. While this
22 condition is in effect, Defendant may travel from the
23 Western District of Washington to the Eastern District of
24 Washington for purposes of attending any legal hearings,
25 meeting with counsel or other defense-related reasons
26 upon prior notice to Pretrial Services. Prior to each

27 ¹ This date is necessarily subject to modification and may be superseded depending
28 on the timing of the disposition of this case and the nature of the disposition of this
case.

1 departure from the Western District of Washington,
2 Defendant shall provide the address where he will reside
3 in the Eastern District of Washington and any other
4 contact information requested by Pretrial Services. By
5 timely motion clearly stating whether opposing counsel
6 and Pretrial Services objects to the request, Defendant may
7 be permitted to travel outside the geographical area of the
8 Western District of Washington for other purposes. After
9 April 1, 2022, Defendant shall return to the Eastern
10 District of Washington and reside at an address approved
11 by Pretrial Services and the previously imposed Release
12 Condition Number 14 shall return to full force and effect.

13 After April 1, 2022, the prior Pretrial Release Condition Number 14 (as previously
14 set forth at ECF No. 13 and modified by ECF No. 25) shall be in effect as set forth
15 below:

16 **(14)** Defendant shall remain in the Eastern District of
17 Washington while the case is pending, with the exception
18 of travel to the Western District of Washington *provided*
19 prior permission is obtained from Pretrial Services. Prior
20 to each departure from the Eastern District of Washington,
21 Defendant shall provide the address where he will reside
22 in the Western District of Washington and any other
23 contact information requested by Pretrial Services. By
24 timely motion clearly stating whether opposing counsel
25 and Pretrial Services object to the request, Defendant may
26 be permitted to travel outside this geographical area.

27 **Defendant is reminded that the jury trial in this matter is currently**
28 **scheduled for January 24, 2022, in Spokane, Washington and Defendant shall**
appear in the Eastern District of Washington for the jury trial and all other
scheduled court hearings. See ECF No. 58.

1 All other terms and conditions of pretrial release previously imposed shall
2 remain in full force and effect.

3 **IT IS SO ORDERED.**

4 DATED December 7, 2021.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE